



STATE OF MAINE
DEPARTMENT OF CONSERVATION
MAINE LAND USE REGULATION COMMISSION
STATE HOUSE STATION
AUGUSTA, MAINE
04403

JOHN E. A. [illegible]

WILLIAM M. GOWAN

DENIAL OF
BUILDING PERMIT BP 12673

The staff of the Maine Land Use Regulation Commission after reviewing the application and supporting documents submitted by Louis Cyr Jr. and Merilda Cyr for Building Permit BP 12673, finds the following facts:

1. Applicant: Louis Cyr Jr. and Merilda Cyr
RR 1 Box 15
Van Buren, Maine 04785
2. Date of Completed Application: October 15, 2004
3. Location of Proposal: T17 R 3 WELS, Aroostook County
Taxation Lot #1 on Plan 01
Allagash Timberlands LP, Lease #2737, Lease Lot 70
4. Zoning: (D-RS) Residential Development Subdistrict
5. Lot Size: 0.23 Acres (leased)
6. Principal Building: Existing L-Shaped Seasonal Camp (16 ft. by 34 ft. and 11 ft. by 28 ft.)
Existing Lake-Side Deck (14 ft. by 20 ft.)
Proposed Permanent Foundation (16 ft. by 34 ft. and 11 ft. by 28 ft.)
7. Accessory Structures: Existing Shed (6 ft. by 12 ft.)
Existing Shed (8 ft. by 17 ft.)
8. Sewage Disposal: Existing Combined System
9. Affected Waterbody: Long Lake

The Commission has identified Long Lake as a management class 7, resource class 2, accessible, developed lake with the following resource ratings: significant fisheries resources, significant cultural resources.

10. The applicants' lot is developed with an existing 16 foot by 34 foot and 11 foot by 28 foot L-shaped seasonal camp, a 14 foot by 20 foot lake-side deck, a 6 foot by 12 foot shed and an 8 foot by 17 foot shed. The seasonal camp is set back 33 feet from the normal high water mark of Long Lake, at least 50 feet from the camp access road, and 18 feet from the nearest



property boundary line. The deck is set back 13 feet from the normal high water mark of Long Lake, at least 50 feet from the camp access road, and 18 feet from the nearest property boundary line. The 6 foot by 12 foot shed is set back 42 feet from the normal high water mark of Long Lake, at least 50 feet from the camp access road, and approximately 1 foot from the nearest property boundary line. The 8 foot by 17 foot shed is set back at least 100 feet from the normal high water mark of Long Lake, 22 feet from the camp access road, and at least 15 feet from the nearest property boundary line.

11. The applicants propose to install a permanent foundation under the existing 16 foot by 34 foot and 11 foot by 28 foot L-shaped seasonal camp. The foundation would consist of a concrete footing and stubwall of wood. The applicants propose to install the foundation under the camp at its present location, 33 feet from the normal high water mark of Long Lake.
12. In October of 2004, Commission staff visited the applicants' lot and determined that the proposed permanent foundation and camp could be relocated to meet the waterbody setback requirement to a greater extent than the current setback and could be a total of 58 feet from the waterbody without encroaching on the rear lease property boundary line. The land behind the camp is relatively flat and the existing vegetation consists of 2 trees and a grassy lawn.
13. Under provisions of Section 10.26.D,1 of the Commission's Land Use Districts and Standards the minimum setback for residential structures is 100 feet from waterbodies such as Long Lake.
14. Under the provisions of Section 10.02,125 of the Commission's Land Use Districts and Standards, a reconstruction is defined as the addition of a permanent foundation or the rebuilding of a structure after more than 50 percent by area of its structural components, including walls, roof, or foundation, has been destroyed, damaged, demolished or removed.
15. Under provisions of section 10.11,C,2,a of the Commission's Land Use Districts and Standards, a legally existing, nonconforming structure may be reconstructed or replaced with a permit, provided that the permit application is completed and filed within two years of the date of damage, destruction or removal, and provided that the structure was in regular active use within a two year period immediately preceding the damage, destruction, or removal. Reconstruction or replacement must comply with current minimum setback requirements to the greatest possible extent. In determining whether the proposed reconstruction or replacement meets the setback to the greatest possible extent, the Commission may consider the following factors: size of lot, slope of the land, potential for soil erosion and phosphorus export to a waterbody, location of other legally existing structures on the property, location of the septic system and other on-site soils suitable for septic systems, type and amount of vegetation to be removed to accomplish the relocation, and physical condition and type of existing foundation, if any.
16. The facts are otherwise as represented in Building Permit application BP 12673 and supporting documents.

Based upon the above Findings, the staff concludes that:

1. The proposed reconstruction of the seasonal camp would not meet the criteria for approval under provisions of Section 10.11.C.2.a of the Commission's Land Use Districts and Standards in that the proposed reconstruction could be more conforming with respect to the waterbody setback requirement without requiring the removal of significant vegetation or encroaching upon the road or property boundary line setback requirements.
2. The proposal would not meet the Criteria for Approval, section 685-B(4) of the Commission's Statutes, 12 M.R.S.A.

Therefore, the staff DENIES the application of Louis Cyr Jr. and Merilda Cyr with the following conditions:

Any person aggrieved by this decision of the staff may, within 30 days, request that the Commission review the decision.

DONE AND DATED AT AUGUSTA, MAINE, THIS 19th DAY OF NOVEMBER, 2004.

By: *Catherine M. Carroll*
Catherine M. Carroll, Director